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Attorney for Glenio Silva

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR-07-00678-JSW
)	
Plaintiff,)	DEFENDANT GLENIO SILVA'S
)	REPLY TO GOVERNMENT'S
Vs.)	OPPOSITION FOR A BILL OF
)	PARTICULARS
GLENIO JESUA FERREIRA SILVA,)	
)	DATE: May 15, 2008
Defendant.)	TIME: 2:30 p.m.
)	
)	
)	
)	

Defendant Glenio Silva by and through his attorney, Steven F. Gruel, Esquire, hereby submits DEFENDANT GLENIO SILVA'S REPLY TO GOVERNMENT'S OPPOSITION FOR A BILL OF PARTICULARS.

THE MOTION IS MOOT

Defendant Glenio Silva moved the Court for a Bill of Particulars because, in part, it was unclear exactly who it was that he knowingly, so as to avoid detection, harbored in the United States. The government's indictment simply stated that Mr. Silva harbored "John Does" one through six.

1 While it is well-founded that inadequate notice of the charges impairs a defendant's ability
2 to exercise his rights to confront witnesses against him and to compel the appearance of
3 witnesses in his favor; as well as his counsel's discharge of the duty to investigate avenues of
4 defense. Strickland v. Washington, 466 U.S. 669, 691 (1984), the government opposed the Bill
5 of Particulars because, in part, it maintained that its discovery fully identified the individuals
6 Mr. Silva harbored.
7

8 The parties continued to engage in discovery discussions since the filing of Mr. Silva's
9 Motion for a Bill of Particulars. In a letter dated May 1, 2008, the prosecution first informed
10 the defense that there was indeed an apparent error and confusion as to the exact individuals
11 allegedly harbored by Mr. Silva. Indeed, the defense is now informed that seven aliens, not six
12 as is listed in the indictment, were allegedly harbored. Further, the government has stated that
13 in order to "clarify any inconsistency," it intends to seek a superseding indictment which will
14 identify the seven aliens as well as include three more aliens.
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17 Thus, in light of the government's representation that a new superseding indictment will be
18 filed, Mr. Silva's motion is moot. Nonetheless, Mr. Silva respectfully reserves the right to file a
19 new motion for a Bill of Particulars if necessary when the superseding indictment is returned.
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21 Respectfully Submitted,
22

23 Dated: May 1, 2008

24 /s/
STEVEN F. GRUEL
Attorney for Glenio Silva
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